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SEP 02 2008

Patent Application No. 10/755,716  
Art. Unit: 2617  
Remarks/Arguments  
dated September 02, 2008  
Reply to Office Action of August 11, 2008

### REMARKS/ARGUMENTS

Pursuant to the above-noted Office Action, claims 5 – 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The applicants acknowledge and appreciate the indicated allowable subject matter.

Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Kloos et al. (US Patent Application No 20040120304). The applicants respectfully traverse this rejection and request reconsideration.

The applicants fail to understand how the Patent Application of Kloos et al. supports the examiner's asserted motivation.

In the Patent Application No 20040120304 Kloos et al. suggest a time division multiple access communication system having multiple sub-channels according to known Quadrature Amplitude Modulation (QAM) techniques. Each sub-channel has predetermined time duration and is divided by a pre-determined number of symbol position time divisions. The symbol positions carry color codes and ACP codes in addition to sync, pilot and data symbols. Pilot symbols in the second half of the slot are replaced with dual-purpose color code and ACP symbols. The dual-purpose symbols are either modulated with a lower order Quadrature Amplitude Modulation (QAM) than data symbols or are repeated values of dedicated symbols located earlier in the same slot, or both. In the receiver the pilot samples are multiplied by the reciprocal of the original transmitted pilot symbol (which is known at the receiver by virtue of having been predetermined), to provide an estimate of the channel gain corresponding to the pilot sampling instant, subsequent the channel gain is interpolated over time and/or frequency, and is compensated for by the receiver, as necessary for that particular sub-channel, to recover the information of interest (paragraphs 5, 39, 40, 42, 48, 50-62, 72-81, 90-97).

In the claim 4 the applicants suggest the method for transmitting and receiving the information with low Bit Error Rate (BER) in the presence of interference ... comprising the receiver device of the subscriber station that receives the information is tuned-onto the Unique Address Code (UAC) as well as to the Encoded Information Group (EIG) of the base station; the receiver device of the subscriber station attempts to detect the Unique Address Code (UAC) of the base station; the Number of Continuous Clock Rate Periods, also referred to hereinafter as (NCCRP), of the Reference Signal, also referred to hereinafter as Reference Signal (RS), that continually match that of the incoming signal acts as criterion for Unique Address Code detection, the Reference Signal (RS) is generated in the receiver device of the subscriber station and acts as a copy of the Unique Address Code (UAC) of the base station; and a match of the Reference Signal (RS) with the incoming signal is achieved if this match occurs with each of the "1" bits of the Reference Signal (RS), a match can either be perfect or imperfect, a perfect match is when the Reference

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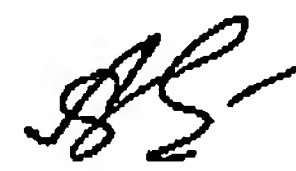
Signal (RS) matches exactly the incoming signal by phase, an imperfect match is when there is a time delay between the two signals and where such delay is not greater than the duration of "1" bit of the Reference Signal (RS).

From the above mentioned the applicants state that Kloos's suggestion is different from that of the claim 4. Thus, the proposal of Kloos does not disclose the claimed features of the claim 4. However, the applicants have made an amendment in claim 4 to further clarify this. The amended claim 4 is attached. As a result, the applicants respectfully request that the examiner clarify the asserted motivation if the rejection is maintained.

Accordingly, the applicants respectfully request that the paragraph 102(e) rejection of independent claim 4 be withdrawn.

Claims 5 – 11 are ultimately dependant upon claim 4, which have been shown as allowable above. In addition, these claims introduce additional content that, particularly when considered in context with the claim 4, introduces additional incremental patent able subject matter. Nevertheless, the applicant reserve the right to present further arguments in the future with regard to the dependent claims in the event that the independent claim 4 is found to be unpatentable. For all these reasons, the applicants respectfully submit that claims 5 – 11 may be passed to allowance.

There being no other objections to or rejections of the claims, the applicants respectfully submit that claims 4 through 11 may be passed to be allowance.

  
Respectfully submitted,  
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Dated: September 02, 2008